

## **RULES OF PROCEDURE**

### **HISTORIC DISTRICT COMMISSION OF ROCKVILLE, MARYLAND**

#### **PART 1    SUMMARY AND DEFINITIONS**

- 1.1    These rules are adopted pursuant to Annotated Code of Maryland, Land Use Article Subsection 8-203(a) and Subsection 25.04.04.d of the Rockville City Code to assist the Historic District Commission (“Commission”) of Rockville, Maryland (“City”), its staff, other city agencies, and Rockville’s citizens in the orderly and efficient conduct of all matters with which the Commission is concerned.
- 1.2    The Historic District Commission of Rockville seeks to foster and safeguard the heritage of the community by preserving the historic districts therein which reflect elements of its cultural, social, economic, political, archaeological or architectural history; to stabilize and improve property values in such districts; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of the community. As such, these rules include processes for applications for historic designation of sites, resources, or districts; demolitions; alterations; Certificates of Approval; and tax credit eligibility.
- 1.3    All actions of the Commission shall be governed by the Annotated Code of Maryland, Land Use Article, Title 8. Historic Preservation; Chapter 25 Zoning Ordinance, Rockville City Code; *Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts*; *Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville’s Historic Resources*; the *Historic Resources Management Plan*; and the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*, and these Rules of Procedure.
- 1.4    The following terms used herein shall have the stated meanings:
  - (a)    “Alteration” shall mean work that alters the exterior fabric or features of a site or structure and has a material effect on the historic, architectural, cultural, or archaeological significance of the site or structure.
  - (b)    “Appurtenances” and/or “environmental setting”, as defined in the Annotated Code of Maryland, Land Use Article, Historic Preservation, Subsection 101(b), refers to paved or unpaved walkways and driveways, trees, landscaping, pastures, croplands, waterways, and rocks.
  - (c)    “Briefing materials” shall mean the applicant’s submittals, recommendations of Planning staff and other pertinent documents or exhibits relating to each case to be heard at the hearing for which the brief is prepared.

- (d) "Certificate of Approval" (hereafter referred to as "COA") means an official city document issued under the auspices of the Historic District Commission authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of the exterior of a building or structure or the alteration of the environmental setting of a site within a designated Historic District Zone (multi-site or single-site) in the City.
- (e) "City Clerk" shall mean the Clerk/Director of Council Operations of the City of Rockville.
- (f) "City Code" shall mean the Rockville City Code, General Ordinances of the City, adopted in February 1990.
- (g) "Clerk of the Historic District Commission" shall mean the role described in Section 25.04.04 of the City Code.
- (h) "Commissioner" shall mean a member of the Historic District Commission of the City of Rockville.
- (i) "Community Planning and Development Services" shall mean the Department that staffs the Historic District Commission.
- (j) "Courtesy Review" shall mean a non-binding review conducted by the Historic District Commission.
- (k) "Criteria" shall mean the Historic District Criteria adopted by the Historic District Commission as the basis for the evaluation of historic significance or appropriateness and used by the Commission in their determinations.
- (l) "Demolition" shall mean the complete razing or removal of more than 50 percent of the floor area of a building or structure, or substantial reconstruction that removes more than 50 percent of the building floor area, as defined in Section 25.03.02 of the City Code.
- (m) "Demolition by Neglect of Historic Properties" shall mean the result of failure to maintain property, or any component thereof, located within a designated Historic District Zone so as to jeopardize the historic integrity of the property, as defined in Section 25.03.02 of the City Code.
- (n) "Due Date" shall mean the date by when complete applications are to be submitted to the staff to be added to an upcoming Historic District Commission agenda. This date shall be 5 weeks prior to the next Historic District Commission meeting, the schedule of which is noted on the yearly calendar of meetings, as posted on the City's website.
- (o) "Emergency Meeting" shall mean a public meeting of the Commission that is called to respond to an urgent need that cannot be met through a regular monthly meeting or by an

advertised special meeting (as noted in these Rules). Such urgency shall derive from the immediate threat to life safety or the integrity of the building or resource.

- (p) "Evaluation of Significance" shall mean the review by the Historic District Commission to determine if the property meets the adopted City of Rockville Historic District Designation Criteria.
- (q) "Ex Parte Communication" is defined as any communication that is relevant and/or relates to an application pending before the Commission that is received or conducted outside the public hearing and is not part of the record. An *ex parte* communication includes all forms of communication, whether written or oral.
- (r) "Guidelines" refers to the *Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville's Historic Districts*, adopted by the Historic District Commission, September 1977.
- (s) "Historic District" when used herein shall refer to the overlay zone, also known as the "Historic District Zone."
- (t) "Historic District Commission" or "the Commission" refers to the five-member commission appointed by the Mayor and Council to help implement preservation strategies in the City of Rockville and to administer the requirements pertaining to historic resources set forth in State and City Codes.
- (u) "Integrity" shall mean sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance. A majority of the resource's structural system and materials and its character defining features should remain intact.
- (v) "Period of Significance" refers to the range of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it as a significant example of a type, period, or method of construction. Period of significance usually begins and ends with the dates when significant activities or events occurred, giving the property its historic significance. For a significant example of a type, period, or method of construction, this is often a date of construction.
- (w) "Interim Historic Review" refers to that period of time between the initiation of the historic designation process as set forth in Section 25.14.01, Subsection (d.1) and the completion of the designation process as set forth in Section 25.14.01, Subsection (d.5) of the City Code.
- (x) "Land Use Article" refers to the Annotated Code of Maryland, Land Use Article, Title 8. Historic Preservation.

- (y) “Management Plan” shall mean the *Historic Resources Management Plan* adopted by the Mayor and Council in 1986.
- (z) “Mayor and Council” shall mean the Mayor and Council of Rockville.
- (aa) “Routine” or “Ordinary” maintenance shall mean work on a historic structure or the environmental setting that does not alter in any way the exact features of the property, including the architectural style, design, and general arrangement of the exterior, as well as the nature, texture, details, and dimensions of building materials, windows, doors, siding, etc. Removal of paved or unpaved walkways and driveways, trees, landscaping, pastures, croplands, waterways and rocks are not considered “routine” or “ordinary” maintenance and shall be reviewed by the Commission.
- (bb) “Special Meeting” shall mean a public meeting of the Commission, in addition to the regular monthly meeting.
- (cc) “Staff” shall mean the Clerk of the Historic District Commission or such individual’s designee.
- (dd) “SOI Standards” shall mean *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*, adopted by the Commission in 2004 as additional guidelines herewith.
- (ee) “Technical Guides” shall mean the *Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville’s Historic Resources* adopted by the Mayor and Council and Historic District Commission, or as amended, to provide guidance on specific aspects of historic property.

## PART 2 GENERAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION MEETINGS

### 2.1 Historic District Commission Meetings

- (a) All meetings of the Commission shall be public meetings. However, the Commission may, at its discretion, hold closed sessions subject to the General Provisions Article of the Maryland Annotated Code, §§3-301 through 501 (The Maryland Open Meetings Act).
- (b) Meetings.
  - (i) Regular meetings of the Commission shall be held on the third Thursday of each month, or as directed by the Commission. Meetings will be advertised on the City’s calendar and agendas will be posted on the City’s website. Meetings will be held at Rockville City Hall, or virtually as needed, and will commonly begin at 7:00 p.m.

Meetings will adjourn at 10 p.m. All remaining agenda items will be deferred to the next meeting unless the meeting is extended by the Chair.

- (ii) Special meetings may be called by the Chair with four (4) days written notice provided to each Commissioner or by the Chair upon written request of two members of the Commission. Special meetings, including organized field visits, may also be arranged at a scheduled public meeting and reflected as such in the minutes of that public meeting.
  - (iii) Emergency meetings may be called at the discretion of the Chair.
- (c) Noticing.
  - (i) Regular meetings shall be advertised by posting on the City's website and by such other notice as required for individual agenda items by City Code Section 25.05.03(d). For regular meetings, a copy of the agenda, staff reports, and relevant attachments shall be provided to each applicant for each item posted on the agenda approximately seven (7) days prior to the meeting. At the same time, the staff report will be posted on the website with the agenda.
  - (ii) Special meetings shall be advertised by posting the agenda on the City's website four (4) days in advance of the date of the proposed meeting.
  - (iii) An emergency meeting shall be advertised by posting the agenda on the City's website as soon as possible.
- (d) A quorum shall consist of three members of the Commission.
- (e) The order of business shall be in accord with the agenda prepared by or under the direction of the Chair and shall be provided with briefing materials prepared by the staff at least seven (7) days before each scheduled meeting.
  - (i) Correspondence to the Commission will be included in the Commission's briefing material if it is submitted to the Department of Community Planning and Development Services no later than eight (8) days prior to the scheduled meeting. Correspondence received after the briefing material has been issued will be provided to the Commission before the scheduled meeting.
  - (ii) Commissioners who wish to add to the agenda shall notify the Chair prior to the meeting or as a first order of business at each meeting.
- (f) Questions put to a vote shall be decided by a majority of the members present and voting, assuming a quorum is present. No decision shall be made in the absence of a

quorum. Proxy voting shall not be allowed. Commissioners' votes shall be recorded on each motion.

- (g) A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.
- (h) A failure or defeat of the motion to approve constitutes a denial.
- (i) Any person is entitled to appear and be heard by the Commission before it reaches a decision. This shall include Commissioner-applicants in the case of their own property. The voting on such decisions shall be held during public meetings, and the Commission shall keep minutes of its resolutions, proceedings, and actions. Minutes shall be available on the City website. Any item not on the HDC meeting agenda may be addressed during the Public Comments/Open Forum portion of the meeting.
- (i) It shall be the duty of staff to keep a true and accurate record of all proceedings at all meetings and public hearings. Minutes shall be distributed to the individual members, and when approved by the Commission, maintained by staff. The meetings can be viewed on Rockville 11 (channel 11 on county cable) and livestreamed at [www.rockvillemd.gov/rockville11](http://www.rockvillemd.gov/rockville11). Meeting minutes are available once approved by the Commission. Videos of the Commission's proceedings shall also be posted online in a timely manner. Minutes and videos of each meeting are available on the City website's Agenda Center.
- (j) The disposition of all formal petitions and requests before the Commission requiring further action by the Mayor and Council shall be made in writing to the Mayor and Council. The petitioner shall be notified by letter of action taken by the Commission.

## 2.2 Historic District Commissioners

The Historic District Commission shall consist of five (5) commissioners and one alternate, appointed by the Mayor and Council for a term of three (3) years. The commissioners shall meet the standards for qualification, as set out in the Annotated Code of Maryland, Land Use Article, Historic Preservation and the City Code as adopted by the Mayor and Council of Rockville and as detailed in the requirements of the Certified Local Government (CLG) Program.

(a) The officers of the Commission shall consist of:

- (i) A Chair, approved by vote of the Commission at the beginning of each calendar year, who shall preside at all meetings. The Chair serves a term of one (1) year and is eligible for reelection.
- (ii) A Vice Chair, approved by vote of the Commission at the beginning of each calendar year. The Vice Chair serves a term of one (1) year and is eligible for reelection. In the

absence of the Chair, the Vice Chair shall serve as Acting Chair, and at such times, shall have the same powers and duties as the Chair.

(iii) In the case where both the Chair and Vice Chair are absent but a quorum is met, the remaining Commissioners shall appoint a Commissioner to serve as the role of the Chair for that meeting.

(iv) An Alternate Member, appointed by the Mayor and Council, shall sit as a voting member for those agenda items when a Commissioner must recuse themselves or when a Commissioner must be absent for all or part of a meeting.

(b) All Commissioners must adhere to the following standards:

(i) Each Commissioner shall attend all meetings. Should any Commissioner be absent more than three consecutive times in any calendar year, the Commission may recommend to the Mayor and Council that such Commissioner's resignation be requested. Removal from the Commission will be conducted pursuant to the Annotated Code of Maryland, Land Use Article, Title 8. Historic Preservation.

(ii) Each Commissioner shall attend a minimum of one training session or educational workshop per year, which is certified by the Maryland Historical Trust as meeting the Certified Local Government requirements for yearly training.

(iii) A Commissioner will not appear before any group or body to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, Commissioners will carefully and clearly indicate whether they are speaking for the Commission or for themselves.

(iv) Commissioners shall not engage in any business transaction in which they may have an advantage because of information gained through appointment to the Commission, per Section 16, Article 2 of the City Code.

(v) Commissioners shall abide by the public ethics and conflict of interest provisions found in Section 16 of the City Code.

(vi) Commissioners shall conduct themselves at Commission meetings in a fair, understanding, and gracious manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Commission business.

(c) The Duties of the Chair shall be as follows:

(i) Preside over all meetings of the Commission;

- (ii) Decide on all points of order and procedure subject to these rules unless overruled by a majority of Commissioners present;
  - (iii) Direct staff to prepare an Annual Report of the work of the Commission for each fiscal year. This shall be submitted within one calendar month after the end of such period for approval and adoption by the Commission, after which, the report shall be submitted to the Mayor and Council; and
  - (iv) Have the authority to cancel or postpone a meeting for good cause.
- (d) The responsibilities of the Commission Alternate Member shall be as follows:
- (i) The Alternate Member shall attend meetings of the Commission, as requested, as a non-voting member, until called upon to sit for an agenda item or items that required their attendance at the meeting;
  - (ii) The Alternate Member shall review the briefing materials of cases on which they will sit as a voting member;
  - (iii) The Alternate Member shall vote on all matters coming before the Commission during the meeting when they have been called upon to sit as a Commissioner.

### PART 3 APPLICATION FOR CERTIFICATE OF APPROVAL

- 3.1 Applications shall be governed by the provisions of the Annotated Code of Maryland, Land Use Article, Title 8. Historic Preservation and the City Code and the SOI Standards for the Treatment of Historic Properties. The Commission shall review proposals for alterations at designated historic district sites, including alterations to exterior appurtenances and the environmental setting.
- 3.2 The applicant may appear at a Commission meeting on his/her behalf or through a representative. In the absence of any personal appearance on behalf of the applicant, the Commission will proceed to dispose of the matter on the record before it or may table or defer the item and reschedule it at the Commission's discretion within the forty-five (45) day review period.
- 3.3 (a) The ordinary, but not mandatory, order of procedure for the conduct of a public appearance for the consideration of each application shall be as follows:
- (i) Introduction and summary of case by staff, including a staff recommendation;
  - (ii) Statement by the applicant or his/her agent;



- (iii) Questions of applicant or agent by the Commission;
  - (iv) Statement by the owner or his/her agent if the application was submitted by a third party;
  - (v) Questions of the owner or agent by the Commission;
  - (vi) Public comment;
  - (vii) Cross-examination of speakers by the applicant or owner, if requested;
  - (viii) Applicant or owner's rebuttal; and
  - (ix) Consideration and vote by the Commission.
- (b) Any person providing testimony to the Commission must provide his or her name and address or organizational affiliation for the record and swear or affirm that he or she is testifying truthfully. The Chair or the Clerk may administer the oath or affirmation, or a person may take the oath or affirmation in writing as part of the process of signing up to testify or submitting written testimony.
- 3.4 At the discretion of the Chair, the Chair may set reasonable time limits on speakers' presentations and testimony.
- 3.5 Within the forty-five (45) day review period prescribed by State law, the Commission may postpone or continue any case due to a need for additional information from the applicant, lack of a quorum, or for further study. To continue an application review beyond the official forty-five (45) day review period, the applicant must sign a waiver acknowledging that the Commission review will not occur within the forty-five (45) day period and therefore the application will not automatically be approved following the 45<sup>th</sup> day.
- 3.6 Approval or denial of any application shall be made upon motion, which motion shall state the reasons for approval, denial, or approval with conditions. The Commission shall review the information presented and make its decision to approve, disapprove, or approve with conditions, based on the City's adopted *Design Guidelines*, the *Historic Resources Management Plan*, the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Annotated Code of Maryland, Land Use Article, Title 8. Historic Preservation, the adopted *Technical Guides for Exterior Alterations*, and design guidelines adopted for the particular district, as applicable.
- 3.7 Approval by the Commission of any application and issuance of a Certificate of Approval by the City on behalf of the Commission, shall not obviate the necessity of obtaining building or other permits from appropriate City departments, nor shall it affect any requirement of compliance

with all applicable Federal, State, County, or City zoning, building, electrical, plumbing, or other codes or procedures.

- 3.8 The timeframe by which there is a prohibition on resubmittal of denied applications is provided in Section 27.07.13 of the City Code.

#### PART 4 PROCEDURES FOR COURTESY REVIEWS

- 4.1 Upon request by a property owner, the Commission may provide a Courtesy Review of proposed work prior to the formal submission of an application for a Certificate of Approval.
- (a) Notification procedures prescribed for an application for a Certificate of Approval will apply to a Courtesy Review.
  - (b) The order of procedure for a Courtesy Review shall follow that of a Certificate of Approval.
  - (c) The guidance provided by the Commission shall be advisory, intended to guide the applicant to a Certificate of Approval that follows all applicable guidelines.
- 4.2 The Commission shall provide a review at the request of the Mayor and Council, the Planning Commission, or the Board of Appeals.
- (a) Notification procedures prescribed for an application for a Certificate of Approval will apply to other reviews.
  - (b) The order of procedure for other reviews shall follow that of a Certificate of Approval.
  - (c) The Commission shall provide a written recommendation to the requesting body, which shall be entered into the Public Record.

#### PART 5 PROCEDURES FOR WITHDRAWAL OR POSTPONEMENT OF APPLICATION

- 5.1 Withdrawal - An applicant or an applicant's agent may request to withdraw an application scheduled to come before the Commission. A request to withdraw an application may be made in writing to the Clerk of the Commission before the public hearing on the application or at any time during the public hearing prior to final action on the application by the Commission.
- (a) Upon receipt of written notice to withdraw the application prior to the public hearing, staff will confirm with the applicant that the case has been removed from the Commission meeting agenda. Staff will notify the Commission as soon as a withdrawal

request is confirmed, as well as notify the public by amending the briefing book and publicly posted agenda for the meeting.

- (b) Withdrawn applications will no longer be considered by the Historic District Commission. Should the applicant seek future Commission approval on the property, the applicant must resubmit an application to the Commission.

## 5.2 Postponement and Continuance.

- (a) The Chair may, in their discretion, elect to postpone an agenda item that has been publicly noticed but that has not been placed on a published agenda. In that case, the Chair must announce the postponement at the next regular meeting of the Commission. Once an agenda item is placed on a published agenda, it may only be postponed at the request of two or more Commissioners or by the vote of the Commission at the meeting for which the item is scheduled.
- (b) By majority vote, after the start of a public hearing on an application before it, the Commission may continue the hearing to a later meeting of the Commission.
- (c) Neither the Chair nor the Commission may postpone or continue its consideration of a Certificate of Approval application if such postponement or continuance would push the Commission's review of the application outside of the forty-five (45) day review period prescribed by law, unless the postponement or continuance is at the request of the applicant and the applicant has signed a waiver acknowledging that the Commission review will not occur within the forty-five (45) day period and therefore the application will not automatically be approved following the 45<sup>th</sup> day.
- (d) Neither the Chair nor the Commission may postpone or continue its consideration of an Evaluation of Significance application if such postponement or continuance would push the Commission's review of the application outside of the two hundred and tenth (210) day review period prescribed by law, unless the postponement or continuance is at the request of the applicant and the applicant has signed a waiver acknowledging that the Commission review will not occur within the two hundred and tenth (210) day period and therefore the application will not automatically be approved following the 210<sup>th</sup> day.
- (e) An application for the same project may only be postponed two (2) times. If after the 2<sup>nd</sup> postponement the applicant is not ready to proceed with the application, the applicant shall withdraw their application subject to the procedures outlined in Part 6.1.
- (f) Unless another time frame is specifically requested by the applicant, the default rescheduled date for a postponed application shall be the next regularly scheduled Commission meeting.

**PART 6      EVALUATIONS AND RECOMMENDATIONS FOR HISTORIC DISTRICT DESIGNATION**

- 6.1 An evaluation of historical, architectural, cultural, social, or archaeological significance for historic designation may be requested by the property owner or another interested party, or be initiated through the filing of a permit for demolition in accordance with Section 25.14.01, Subsection (d)(1.) (c) of the City Code; or filing a Natural Resources Inventory identifying a potentially significant historic resource on the property, in accordance with Section 25.14.01, Subsection (d)(1.) (d) of the City Code .
- 6.2 Notification procedures prescribed for an application for a Certificate of Approval shall apply to an Evaluation of Significance.
- 6.3 Historic research shall be presented to the Commission using a Maryland Historical Trust's Maryland Inventory of Historic Properties form, with photographs, history, and architectural description of the property in the briefing material.
- 6.4 At the meeting, the Commission shall hear public testimony and a staff recommendation on the historic, architectural, cultural, social, or archaeological significance of the subject property.
- 6.5 The Commission may file a Sectional Map Amendment with the City Clerk and render a recommendation of historic designation eligibility to the Mayor and Council citing the adopted Criteria.
- 6.6 The order of procedure for an Evaluation of Significance shall follow that of a Certificate of Approval.

**PART 7      PROCEDURES AFFECTING PROPERTY INCLUDED OR ELIGIBLE TO BE INCLUDED IN THE NATIONAL REGISTER OF HISTORIC PLACES**

- 7.1 Prior to nomination of any property to the National Register, the Commission shall place such nomination on its agenda for discussion and action.
  - (a) A copy of the agenda shall be sent to each property owner whose property is proposed for the National Register.
  - (b) Notification procedures for the Certificate of Approval shall be followed.
  - (c) National Register nominations are submitted to Maryland Historical Trust, where staff performs an initial review.
- 7.2 State rules and procedures governing the nomination of properties to the National Register of Historic Places shall be followed as posted by the Maryland Historical Trust.

**PART 8      RECONSIDERATION**

- 8.1 Request to Reconsider - A request to reconsider a decision of which the Commission is the Approving Authority must be filed within ten (10) days after the date upon which the original decision was issued in writing by the Commission. Such request must be made in writing and must state fully all grounds for reconsideration including mistake of fact or law, inadvertence, surprise, fraud, or other good cause. The filing of a request to reconsider does not stay the period for appeal allowed pursuant to the Maryland Rules.
- (a) The party or agent submitting a request for reconsideration ("Requestor") shall also give written notice to all Parties of Record on the same day it files its request for reconsideration with the City. Within five (5) days of filing the request for reconsideration, a copy of the notice and a certification that the notice was provided to all Parties of Record must be filed with the Clerk of the Historic District Commission or such individual's designee. Parties of Record shall have seven (7) days from the date of the notice to submit written comments regarding the request.
  - (b) At the next possible meeting, the Commission shall either grant or deny the request. Parties of Record need not be present at such meeting. The Commission may, however, question staff or any party then present to clarify points raised in the written request. Otherwise, testimony will not be heard. The Commission may grant a request for reconsideration if it finds mistake of fact or law, inadvertence, surprise, fraud, or other good cause, and must state its reasons for such approval on the record.
  - (c) If the Commission grants the request, it shall schedule a hearing on the matters to be reconsidered. It shall set the date of such hearing during the meeting at which it granted the request and staff shall notify the Requestor within five (5) days thereafter of the date of the hearing. The Requestor shall notice all Parties of Record at least fifteen (15) days prior to the date of the hearing.
- 8.2 Motion to Reconsider - The Commission may also reconsider a decision on its own motion, provided that such motion is made no later than the Commission's next meeting following the date when the original decision was made. In considering a motion to reconsider, no public hearing is required. The Commission may grant a motion for reconsideration if it finds mistake of fact or law, inadvertence, surprise, fraud, or other good cause, and must state its reasons for such approval on the record.
- (a) If the Commission approves such a motion, it shall schedule a hearing on the matters to be reconsidered. It shall set the date of such hearing during the meeting at which it granted the motion. Staff shall notice all Parties of Record within fifteen (15) days of the date of the hearing.
- 8.3 Effect of the Commission's Decision on a Request to Reconsider or Motion to Reconsider – If the Commission approves a request to reconsider or a motion to reconsider, such approval shall

deem the original decision void. If the Commission denies a request to reconsider or a motion to reconsider, the original decision shall remain in full force and effect.

- 8.4 Hearing on Matters Reconsidered – If the Commission grants a request to reconsider or approves a motion to reconsider, it shall conduct a hearing on the matters reconsidered. The scope of the hearing must include the reason the Commission cited for reconsideration of the decision and any other issues that the Commission deems to be relevant. At least ten (10) days before the hearing, staff shall post the following: (a) the Commission’s decision to reconsider its decision; (b) the date of the hearing on the reconsideration; and (c) a summary of the reasons for the reconsideration.
- 8.5 Effect of the Commission’s Decision After Hearing: If after a hearing, the Commission determines that it will not change its original decision, the original decision shall be reissued and the appeal period shall run from the date of the reissuance. If after a hearing, the Commission determines that it will change the original decision, the original decision shall be revised based on such change, and reissued, with the new appeal period running from the date of reissue.

## PART 9 EX PARTE COMMUNICATIONS

- 9.1 A Commissioner shall not initiate, permit, or consider *ex parte* communications outside the public hearing or record concerning a pending application.
- 9.2 If a Commissioner receives an *ex parte* communication regarding a pending matter, it should immediately be turned over to staff and disclosed at the next public hearing relating to the matter. When an *ex parte* communication is made a part of the record, the opposing party and all other interested parties should be provided with any additional period of time as may be reasonably necessary to respond to material or representations contained in the *ex parte* communication. This may necessitate the granting of a continuance. If the *ex parte* communication is received by one or more Commissioners after the public hearing has been held, but before a decision has been rendered, the substance of the communication should be reduced to writing and placed on the record as soon as practically possible. All Commissioners as well as all parties who appeared at the public hearing should receive a copy of the information, and adverse parties should be afforded a reasonable time in which to respond to that information before a decision is rendered.

## PART 10 APPEALS

- 10.1 Any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court for Montgomery County. Such appeal shall be taken according to the Maryland Rules of Procedure, Title 7 – Appellate and Other Judicial Review in Circuit Court, Chapter 200 – Judicial Review of Administrative Agency Decisions.

PART 11      MISCELLANEOUS

- 11.1    The Commission shall act promptly on all matters referred to it by the Mayor and Council in accordance with the Annotated Code of Maryland, Land Use Article, Historic Preservation, Subsections 101 through 501 and Chapter 25 of the City Code.
- 11.2    These rules may be amended by a majority of the entire Commission at any meeting of the Commission after the amendment in written form has been introduced at a prior meeting.
- 11.3    These rules shall become effective upon adoption by the Commission.

Adopted January 18, 1977

Revised April 15, 1986

Revised August 30, 1994

Revised March 17, 1998

Adopted April 21, 1998

Revised and Adopted November 20, 2003

Revised and Adopted December 18, 2003

Revised per the Zoning Ordinance and Adopted July 15, 2010 [Introduced June 17, 2010]

Revised and Adopted October 18, 2012 [Introduced September 20, 2012]

Revised and Adopted October 24, 2013 [Introduced September 19, 2013]

Revised and Adopted November 20, 2014 [Introduced October 16, 2014]

Revised and Adopted April 20, 2023 [Introduced January 19, 2023]